

ESTTA Tracking number: **ESTTA504350**

Filing date: **11/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Third Estate LLC
Granted to Date of previous extension	11/07/2012
Address	224 N. College Ave. Bloomington, IN 47404 UNITED STATES

Attorney information	Evan Anderson Brand Ventures Intellectual Property Law 2434 Lincoln Blvd., Floor 2 Los Angeles, CA 90291 UNITED STATES evan@bviplaw.com Phone:3104253428
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Applicant Information

Application No	85380544	Publication date	07/10/2012
Opposition Filing Date	11/07/2012	Opposition Period Ends	11/07/2012
Applicant	Cornerman Productions LLC 824 S. Los Angeles Street Suite 200 Los Angeles, CA 90014 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. First Use: 2009/04/01 First Use In Commerce: 2009/04/01
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms


Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4075682	Application Date	03/05/2010
Registration Date	12/27/2011	Foreign Priority Date	NONE
Word Mark	DOPE COUTURE		

Design Mark	
Description of Mark	The mark consists of the word "DOPE" with the letter "D" that overlaps the letter "O", with the word "COUTURE" directly under the word "DOPE", all in uppercase.
Goods/Services	Class 025. First use: First Use: 2008/01/01 First Use In Commerce: 2008/01/01 men's and women's shirts, jackets, coats, wind resistant jackets, shorts, and headwear

U.S. Application No.	85375315	Application Date	07/19/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DOPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Coats for men and women; Headwear; Jackets; Shirts; Shorts; Wind resistant jackets		

U.S. Application No.	85729957	Application Date	09/15/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DOPE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2009/03/06 First Use In Commerce: 2009/03/06 On-line retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags; Retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags

Attachments	77951263#TMSN.jpeg (1 page)(bytes) 85375315#TMSN.jpeg (1 page)(bytes) 85729957#TMSN.jpeg (1 page)(bytes) TTAB - DOPE STAMP'D.pdf (12 pages)(5844069 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/evananderson/
Name	Evan Anderson
Date	11/07/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THIRD ESTATE LLC,)	
)	
)	
Opposer,)	
)	
)	
v.)	Opposition No.
)	Serial No. 85/380,544
)	Mark: DOPE STAMP'D LOS ANGELES
)	
CORNERMAN PRODUCTIONS LLC,)	
)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Opposer, Third Estate LLC, an Indiana Limited Liability Company, whose principal business address is located at 224 N. College Ave., Bloomington, IN 47404, hereby opposes the application for the trademark DOPE STAMP'D LOS ANGELES by Cornerman Productions LLC, a California Limited Liability Company, with its principal place of business located at 824 S. Los Angeles Street Suite 200, Los Angeles, CA 90014 that is the subject of U.S. Trademark Serial No. 85/380,544 and requests that the application be denied registration.

As grounds in support of its opposition, Opposer asserts as follows:

COUNT 1

Likelihood of Confusion

1. Opposer is the owner of U.S. Trademark Registration No. 4,075,682 for the trademark DOPE COUTURE used in connection with men's and women's shirts, jackets, coats, wind resistant jackets, shorts, and headwear in International Class 025.
2. Opposer's effective filing date for U.S. Trademark Registration No. 4,075,682 was March 5, 2010.

3. Opposer's effective registration date for U.S. Trademark Registration No. 4,075,682 was December 27, 2011.
4. Opposer's date of first use in interstate commerce for U.S. Trademark Registration No. 4,075,682 was January 1, 2008.
5. Opposer is the owner of common law trademark rights in the DOPE COUTURE trademark for use in connection with the manufacture and sale of men's and women's apparel, specifically, men's and women's shirts, jackets, coats, wind resistant jackets, shorts, and headwear since January 1, 2008 resulting from its continuous and uninterrupted use of the DOPE COUTURE trademark in U.S. interstate commerce.
6. Opposer is the owner of U.S. Trademark Serial Number 85/375,315 for the DOPE trademark for use in connection with coats for men and women; headwear; jackets; shirts in International Class 025.
7. Opposer's effective filing date for U.S. Trademark Serial Number 85/375,315 was July 19, 2011.
8. Opposer is the owner of common law trademark rights in the DOPE trademark for use in connection with the manufacture and sale of men's and women's apparel, specifically, men's and women's shirts, jackets, coats, wind resistant jackets, and headwear since at least as early as December of 2008 resulting from its continuous and uninterrupted use of the DOPE trademark in connection with the aforementioned goods and services in U.S. interstate commerce.
9. Opposer is the owner of U.S. Trademark Serial Number 85/729,957 for the DOPE trademark for use in connection with on-line retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags; Retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags in International Class 035.
10. Opposer's effective filing date for U.S. Trademark Serial Number 85/729,957 was September 15, 2012.
11. Opposer's effective date of first use in U.S. interstate commerce for U.S. Trademark Serial Number 85/729,957 was March 6, 2009.
12. Opposer's DOPE trademarks and DOPE COUTURE trademark are famous trademarks among the general purchasing public and among consumers of Opposer's goods and services. *See Attached Exhibit A.*

13. Applicant filed U.S. Trademark Serial Number 85/380,544 for the trademark DOPE STAMP'D LOS ANGELES for use in connection with "athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms" in International Class 025.
14. Applicant's effective filing date was July 25, 2011.
15. Applicant's DOPE STAMP'D LOS ANGELES trademark application was published for opposition on July 10, 2012. *See Attached Exhibit B.*
16. Applicant's DOPE STAMP'D LOS ANGELES trademark application contains the identical phonetic term DOPE found in Opposer's DOPE and DOPE COUTURE trademarks, which is the primary and dominant feature of Opposer's DOPE and DOPE COUTURE trademarks.
17. Applicant's goods are identical or nearly identical to the goods and services that Opposer's DOPE and DOPE COUTURE trademarks are used on connection with, and flow in identical or nearly identical channels of trade as those used for the sale and promotion of Opposer's goods and services.
18. There is no dispute as to priority. Opposer's effective filing date for the DOPE COUTURE trademark was March 5, 2010 and its date of first use in U.S. interstate commerce was January 1, 2008. Opposer's effective filing date for the DOPE trademark in International Class 025 was July 19, 2011 and its date of first use in U.S. interstate commerce was at least as early as December of 2008. Opposer's effective filing date for the DOPE trademark in International Class 035 was September 15, 2012 and its date of first use in U.S. interstate commerce was March 6, 2009. Applicant's effective filing date was July 25, 2011 and its first use date in interstate commerce was April 1, 2009. As such, Opposer's Marks have clear priority over the Applicant's Mark.
19. Through extensive use, advertising, marketing and promotion of Opposer's marks, Opposer has built up, at great expense and effort, a valuable reputation and goodwill symbolized by its strong and distinctive trademarks.

COUNT 2

False Suggestion of Connection

20. Applicant's DOPE STAMP'D LOS ANGELES trademark is a phonetically identical to the dominant features of Opposer's DOPE and DOPE COUTURE trademarks. Applicant's DOPE STAMP'D LOS ANGELES trademark falsely suggests a connection with Opposer's DOPE and DOPE COUTURE trademarks in violation of Section 2(a) of the Trademark Act, because Applicant's mark points uniquely to Opposer and purchasers will assume that goods sold under Applicant's trademark are

connected with and originate from Opposer.

21. Opposer will be damaged by the use and registration of Applicant's DOPE STAMP'D LOS ANGELES trademark, as it will deprive Opposer of the ability to protect its reputation, persona and goodwill.
22. Opposer will be damaged by the registration of Applicant's DOPE STAMP'D LOS ANGELES trademark as it will narrow the scope of trademark protection afforded to Opposer's registered DOPE COUTURE trademark and Opposer's DOPE trademarks, such that others may use the words DOPE and other phonetically similar designations in connection with apparel products and physical and online retail services without regard to whether phonetical spelling creates a similar commercial impression.

WHEREFORE, Opposer prays that the opposition be sustained and that the Applicant's application to register be denied.

Dated: November 7, 2012

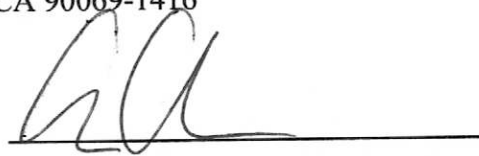
Respectfully submitted,

By: /evananderson/
Evan Anderson
Brand Ventures Intellectual Property Law
2434 Lincoln Blvd., Floor 2
Los Angeles, CA 90291
Attorneys for Opposer
Third Estate LLC

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF
OPPOSITION** has been served on Jonathan Bird, counsel for Applicant, on November
7, 2012, via First Class U.S. Mail, postage prepaid to:

Jonathan Bird
8620 Hollywood Blvd.
Los Angeles, CA 90069-1416

A handwritten signature in dark ink, appearing to read 'EA', is written over a horizontal line.

Evan Anderson, Esq.

EXHIBIT A

United States of America

United States Patent and Trademark Office

DOPE
C O U T U R E

Reg. No. 4,075,682

Registered Dec. 27, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

THIRD ESTATE LLC (INDIANA LIMITED LIABILITY COMPANY), DBA DOPE COUTURE
224 N COLLEGE AVE
BLOOMINGTON, IN 47404

FOR: MEN'S AND WOMEN'S SHIRTS, JACKETS, COATS, WIND RESISTANT JACKETS,
SHORTS, AND HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COUTURE", APART FROM
THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "DOPE" WITH THE LETTER "D" THAT OVERLAPS
THE LETTER "O", WITH THE WORD "COUTURE" DIRECTLY UNDER THE WORD "DOPE",
ALL IN UPPERCASE.

SER. NO. 77-951,263, FILED 3-5-2010.

SANI KHOURI, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office



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DOPE

Word Mark DOPE

Goods and Services IC 035. US 100 101 102. G & S: On-line retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags; Retail store services featuring t-shirts, fleece apparel, headwear, hats, watches, footwear, shoes, jewelry, books, magazines, home goods, electronic accessories, buttons, pins, novelty goods, vintage clothing, backpacks, bags. FIRST USE: 20090306. FIRST USE IN COMMERCE: 20090306

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85729957

Filing Date September 15, 2012

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Third Estate LLC DBA Dope Couture LIMITED LIABILITY COMPANY INDIANA 224 N

College Ave Bloomington INDIANA 47404

**Attorney of
Record** Evan Anderson**Prior
Registrations** 4075682**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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DOPE

Word Mark DOPE

Goods and Services IC 025. US 022 039. G & S: Coats for men and women; Headwear; Jackets; Shirts; Shorts; Wind resistant jackets

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85375315

Filing Date July 19, 2011

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Third Estate LLC DBA Dope Couture LIMITED LIABILITY COMPANY INDIANA 224 N. College Bloomington INDIANA 47404

Attorney of Record Evan Anderson, Esq.

Prior Registrations 4075682

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT B



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Word Mark DOPE STAMPD' LOS ANGELES**Goods and Services** IC 025, US 022 039, G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms. FIRST USE: 20090401. FIRST USE IN COMMERCE: 20090401**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM**Serial Number** 85380544**Filing Date** July 25, 2011**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** July 10, 2012**Owner** (APPLICANT) Cornerman Productions LLC LIMITED LIABILITY COMPANY CALIFORNIA 824 S. Los Angeles Street Suite 200 Los Angeles CALIFORNIA 90014**Attorney of Record** Jonathan Bird**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LOS ANGELES" APART FROM THE MARK AS SHOWN**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Dope" in cursive lettering with a capital "D" and lowercase "o", "p" and "e", with further stylized wording "stampD' LOS ANGELES" stacked vertically underneath the "p" and "e" of "Dope".**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE
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